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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,963 10/01/97 KRIZ

J H16-17016-US

LMC1/0103

EXAMINER

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ART UNIT	PAPER NUMBER

2731

DATE MAILED:

01/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/941,963

Applicant(s)
Kriz

Examiner
Kwang B. Yao

Group Art Unit
2731



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-38 is/are pending in the application

Of the above, claim(s) 18-25, 29, and 36-38 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17, 26-28, and 30-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2,3,4,5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, 26-28, 30-35, drawn to a communication system where a plurality devices are connected to wireless low power transceivers for communicating with a controller thru a plurality of wireless high power router nodes, and where said controller is coupled between a telephone network in a structure and external telephone lines, classified in class 370, subclass 338.
 - II. Claims 18-25, drawn to a communication system where a plurality devices are connected to wireless low power transceivers for communicating with a controller thru a plurality of wireless high power router nodes, where a device comprises a power management module for controlling sleep mode of the device, classified in class 370, subclass 311.
 - III. Claim 29, drawn to a sensor for coupling to router nodes in a monitoring system, the sensor comprising a sensing device, a comparator, and a low power transceiver for communicating with a proximate router node, classified in class 370, subclass 315.
 - IV. Claims 36-38, drawn to a communications system where a plurality devices are connected to wireless low power transceivers for communicating with a controller

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thru a plurality of wireless high power router nodes, where a routing table is established for routing device transmissions to the controller, classified in class 370 subclass 329.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II, III, IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with John Shudy on 12/28/99 a provisional election was made without traverse to prosecute the invention of I, claims 1-17, 26-28, 30-35. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-25, 29, 36-38 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-11, 13-17, 26-28 and 30-35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by LeBlanc et al. (US 5,960,341).

Regarding claim 1, LeBlanc et al. disclose a positioning system comprising: a plurality of wireless phones 16 in Fig. 2 for transmitting and receiving signals (a plurality of devices, each device coupled to a low power transceiver that transmits and receives information); a plurality of call routing and monitoring devices for receiving messages from wireless phones 16 and communicating each other (a plurality of router nodes, each router nodes having a transceiver capable of receiving device information from one or more proximate wireless devices and capable of wireless communication at a higher power level with other router nodes); central office switch for controlling the data transmission among the PRC (a controller coupled to at least one router node for receiving device information, wherein the router nodes transmit device information either to the controller or to another router for further transmission of the device information).

Regarding claim 2, the wireless phone 16 has a lower data bandwidth than the high power call routing and monitoring device.

Regarding claim 3, the wireless phone 16 has a battery.

Regarding claim 5, the call routing and monitoring is coupled to the central office switch that supplies high bandwidth information.

Regarding claims 6-9, the central switch is coupled to PSTN.

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Claims 10, 11 and 13-35 disclose the similar limitation as those in claims 1-3 and 5-9.

Therefore, claims 10, 11 and 13-35 are rejected by the same reasons set forth.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeBlanc et al. (US 5,960,341) in view of Loosmore et al. (US 5,682,142).

LeBlanc et al. disclose the claimed limitations discussed above. LeBlanc et al. do not disclose the claimed features of sensors and actuators. Loosmore et al. disclose an electronic control system comprising sensors and actuators, see column 4, lines 43-45. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of LeBlanc et al. by using the features, as taught by Loosmore et al., in order to provide a faster input response in the communication system.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Haugli et al. (US 5,991,279) discloses a wireless packet data communication system.

Toh (US 5,987,011) discloses a routing method.

Hofmann (US 5,809,076) discloses a network configuration communication system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is (703) 308-7583. The examiner can normally be reached on Monday through Friday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

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(703) 305-3988 (for informal or draft communications, please label


"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist).

Kwang B. Yao

Dec. 29, 1999


CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700
12/30/99